

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff,

v.

UNIVERSITY MEDICAL CENTER, et al.,

Defendants.

Case No.: 2:24-cv-01796-RFB-BNW

ORDER

On September 24, 2024, pro se plaintiff Tyrone Nunn, an inmate in the custody of the Nevada Department of Corrections, submitted what appears to be a civil-rights complaint and summonses. (ECF Nos. 1-1). Plaintiff has neither paid the full \$405 filing fee for a civil action nor applied to proceed *in forma pauperis*. (See ECF No. 1). And the Court cannot consider the complaint because the handwriting is too light to read. (See ECF No. 1-1). The Court will grant Plaintiff an extension of time to correct these deficiencies.

I. DISCUSSION

A. Plaintiff must file a single, signed amended complaint.

“A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Generally, a complaint must contain “a short and plain statement of the claim showing that the [plaintiff] is entitled to relief” and “a demand for the relief sought, which may include relief in the alternative or different types of relief.” Fed. R. Civ. P. 8. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.” Nev. LSR 2-1. And the complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

This Court cannot consider Plaintiff’s complaint because the handwriting is too light to read even though the document was scanned using the best possible setting to make it readable. If Plaintiff wants to proceed with this action, he must file a signed amended complaint and ensure that the handwriting is sufficiently clear such that it can be scanned and filed with the Court.

Plaintiff is advised that an amended complaint replaces the original complaint, so the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co.*, 896 F.2d 1542, 1546 (9th Cir. 1989). This means Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that he wishes to pursue in this lawsuit that does not duplicate his other lawsuits and complies with Federal Rules of Civil Procedure 18 and 20 regarding the joinder of multiple claims and defendants in a single action. Plaintiff must file the amended complaint on this Court's approved "Civil Rights Complaint" form, and he will title it "First Amended Complaint." Plaintiff must follow the instructions on the form. He need not and should not allege very many facts in the nature of the case section of the form. Rather, in each claim, Plaintiff should allege facts sufficient to show what each defendant did to violate his rights.

B. Plaintiff must either pay the filing fee or apply for *in forma pauperis* status.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b).

II. CONCLUSION

It is therefore ordered that Plaintiff has **until November 29, 2024**, to file a single, signed amended complaint with the Court with handwriting that is legible and clear.

1 It is further ordered that Plaintiff has **until November 29, 2024**, to either pay the full \$405
2 filing fee or file a fully complete application to proceed *in forma pauperis* with all three required
3 documents: (1) a completed application with the inmate's two signatures on page 3, (2) a
4 completed financial certificate that is signed both by the inmate and the prison or jail official, and
5 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

6 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if he
7 fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the
8 case with the Court, under a new case number, when he can file a complete application to proceed
9 *in forma pauperis* or pay the required filing fee.

10 The Clerk of the Court is directed to send plaintiff Tyrone Nunn the approved form for
11 filing a 42 U.S.C. § 1983 complaint and instructions for the same and the approved form
12 application to proceed *in forma pauperis* for an inmate and instructions for the same.

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14 DATED: September 30, 2024

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18 UNITED STATES MAGISTRATE JUDGE
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